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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3841 OF 2007

Chakradhar Dattarao Shinde .. Applicant

V/s

State of Maharashtra .. Respondent

Mr.V.S. Shastry for the applicant.

Mr.D.P. Adsule, A.P.P. for the State.

CORAM : D.G. KARNIK, J.

DATE : 14TH DECEMBER 2007

P.C. :

1. Heard the learned counsel for the applicant and the learned A.P.P. for the State.

2. Perused the F.I.R. dated 12th September 2007 and the statement of the complainant annexed thereto.

3. The case of the prosecution in short is that on 9th September 2007 when Jyoti (hereinafter referred to as "the deceased"), who was the wife of the complainant, was on the farm, the applicant came near her, held her hand and stated that he liked her and wanted to have intercourse with her. The deceased told the applicant

that he was like her brother and if he does anything further, she would make hue and cry. Thereafter, the applicant went away. The deceased made a complaint about this incident to her husband. The complainant called the applicant at his house and asked about the incident, but the applicant gave a couple of slaps to the complainant and threatened not to disclose the incident to anyone. On the next day, the applicant apologised and promised that he would not repeat such things. Thereafter, the deceased appears to have committed suicide.

4. Prima facie, assuming the allegation in the complaint to be true, it would make out an offence under section 354 of the I.P.C. which is a bailable offence. Giving of couple of slaps to the complainant is an offence under section 323 of the I.P.C. which is also bailable.

5. Taking into consideration the allegations and the evidence regarding the alleged offence under sections 354 and 323 of the I.P.C., I am of the view that the applicant is entitled to anticipatory bail. Hence, I pass the following order:

ORDER

In the event of the arrest of the applicant in connection with C.R. No.215/2007 registered with the Chakan Police Station, the applicant shall be released on bail on executing personal bond of Rs.25,000/- together with two sureties of the like amount subject to the following conditions:

(a) The applicant shall cooperate with the investigation and attend the police station twice a week on every Monday and Thursday between 4.00 and 6.00 p.m. till the charge-sheet is filed.

(b) The applicant shall not make any inducement nor give any threats to any of the prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

(c) This order shall come to an end on charge-sheet being filed whereupon the applicant may apply for a regular bail before the regular court.

(D.G. KARNIK, J.)